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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,718	08/01/2003	Kevin P. McAtee	55604.106238	2799

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EXAMINER	
AKINTOLA, OLABODE	
ART UNIT	**PAPER NUMBER**
3691	

MAIL DATE	DELIVERY MODE
08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,718	MCATEE, KEVIN P.	
	Examiner	Art Unit	
	Olabode Akintola	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-38,42 and 44-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-38,42 and 44-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-28, 42 and 44-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al (US 5414838) (Kolton) in view of Takechi (US 6920426) (Takechi).

Re claims 1, 7-28, 42 and 48-64: Kolton teaches a computer-implemented method for providing information over a communication network to a computer user, said method comprising: gathering a plurality of information items relating to a subject, said information items including data items and content items, wherein each of said data items includes the value of an attribute associated with said subject for a particular date and each of said content items includes a statement summarizing an occurrence for a particular data (Abstract, Figs., col.1, lines 15-21; col. 2, lines 25-38); storing said information items (Fig. 2); and creating an electronic page

containing in part a graphic representation that includes a number of data points corresponding to at least a portion of said data items, said data points arranged by date or date range (Fig. 9A-9E). Kolton does not explicitly teach assigning a reliability indicator to each of said content items. Takechi teaches assigning a reliability indicator to each of said content items (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kolton to include this feature. One would have been motivated to do so in order to allow information users to estimate the factuality and reliability of the information.

Re claims 3-6 and 44-47: Kolton and Takechi do not explicitly teach color, number, letter and typeface indicators. Official notice is herby taken that the use of these indicators are old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kolton to include these features. One would have been motivated to do so in order to allow for different or multiple ways for representing the indicators, thereby enhancing the overall flexibility. See Borgia et al (USPAP 20020129221) at section 0058, Rutledge (USPAP 20020091548) at section 0030 and Monteleone et al (USPAP 20020062686) at section 0041, for support of this Official notice.

Response to Arguments

Applicant's arguments filed 5/11/2007 have been fully considered but they are not persuasive.

In response to applicant's argument regarding justification of a new search. Examiner asserts that full faith and credit was given to the search of the previous examiner. However,

Examiner asserts that there is a clear error in the previous action. For example, it is not clear if the previous examiner fully understood the invention before undertaking a search.

In response to applicant's argument that Kolton and Takechi combination is improper, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is clearly recited in the Takechi reference (see abstract, "...***allow information users to estimate the factuality and reliability of the information***").

In response to applicant's argument that Kolton fails to teach data items that include the value of an attribute associated with a subject for a particular date and each of the content items including a statement summarizing an occurrence for a particular data. Examiner respectfully disagrees. Kolton clearly teaches this limitation see abstract, Figs., col.1, lines 15-21; col. 2, lines 25-38.

In response to applicant's traverse of the Official notice, support can be found in Borgia et al (USPAP 20020129221) at section 0058; Auer et al (USPAP 20020091548) at section 0030 and Monteleone et al (USPAP 20020062686) at section 0041.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christianson et al (US 6102969) teaches a method using information written in a wrapper description language to execute query on a network (Fig.1, Abstract).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

HANI M. KAZIMI
PRIMARY EXAMINER